

LOMBARDI, LOPER & CONANT, LLP  
2030 Franklin Street, Sixth Floor  
Oakland, CA 94612

1 MARIA L. LAMPASONA (SBN: 259675)  
2 [mlampasona@llcllp.com](mailto:mlampasona@llcllp.com)

2 TAYLOR J. POHLE (SBN: 299794)  
3 [tpohle@llcllp.com](mailto:tpohle@llcllp.com)

3 LOMBARDI, LOPER & CONANT, LLP  
4 2030 Franklin Street, Sixth Floor  
5 Oakland, CA 94612  
6 Telephone: (510) 433-2600  
7 Facsimile: (510) 433-2699

6 DION COMINOS (SBN: 136522)  
7 [dcominos@grsm.com](mailto:dcominos@grsm.com)

8 BRIAN P. MASCHLER (SBN: 111824)  
9 [bmaschler@grsm.com](mailto:bmaschler@grsm.com)

8 GORDON REES SCULLY MANSUKHANI, LLP  
9 275 Battery Street, 20th Floor  
10 San Francisco, CA 94111  
11 Telephone: (415) 986-5900  
12 Facsimile: (415) 986-8054

13 Attorneys for Defendants

14 FORTY NINERS FOOTBALL COMPANY LLC,  
15 FORTY NINERS SC STADIUM COMPANY LLC,  
16 FORTY NINERS STADIUM MANAGEMENT  
17 COMPANY LLC, CITY OF SANTA CLARA,  
18 and SANTA CLARA STADIUM AUTHORITY

19 UNITED STATES DISTRICT COURT  
20 NORTHERN DISTRICT OF CALIFORNIA  
21 SAN JOSE DIVISION

22 ABDUL NEVAREZ, PRISCILLA  
23 NEVAREZ, and SEBASTIAN  
24 DEFRENCESCO, on behalf of  
25 themselves and all others similarly  
situated,

Plaintiffs,

v.

FORTY NINERS FOOTBALL  
COMPANY, LLC, et al.,

Defendants.

Case No. 5:16-cv-07013-LHK

**DECLARATION OF CRIS C. VAUGHAN IN  
SUPPORT OF DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT**

1 I, CRIS C. VAUGHAN, declare:

2 1. I have personal knowledge of the statements contained in this declaration, which  
3 are true and correct except where stated upon information and belief, and as to those statements, I  
4 am informed and believe that they are true. If called upon to do so, I am competent to testify on  
5 the matters contained in this declaration.

6 2. I am a specialist in disabled access for persons with disabilities. I am and have  
7 been a Certified Access Specialist (“CASp”) since 2009. I have been designated as a Subject  
8 Matter Expert in disabled access by the California Division of State Architects (“DSA”) since  
9 2014. In my capacity as a Subject Matter Expert, I have participated in the development and  
10 review of the materials used by DSA as part of the examination given to persons testing to  
11 become a CASp in the State of California. Since 2012, I have taught courses on disabled access  
12 requirements under the American with Disabilities Act (“ADA”) and California Building Code  
13 (“CBC”).

14 3. I own and operate ADA Consultant Services and I have performed more than 500  
15 accessibility evaluations of both private and public entity facilities. These evaluations have  
16 included evaluation of ticketing facilities and practices. I received a Bachelor of Arts degree from  
17 Western Oregon University in 1977 and a Juris Doctorate degree from the University of the  
18 Pacific McGeorge School of Law in 1981. I have been a licensed attorney in the State of  
19 California since 1981 and have been a licensed attorney in the State of Nevada since 1985.

20 4. In the above-captioned matter, *Abdul Nevarez et al. v. Forty Niners Football*  
21 *Company LLC et al.*, I have been retained as an expert consultant by defendants FORTY NINERS  
22 FOOTBALL COMPANY LLC, FORTY NINERS SC STADIUM COMPANY LLC, FORTY  
23 NINERS STADIUM MANAGEMENT COMPANY LLC, CITY OF SANTA CLARA, and  
24 SANTA CLARA STADIUM AUTHORITY. In this capacity, my assignment was to assess  
25 issues related to the accessibility of ticketing of Levi’s Stadium.

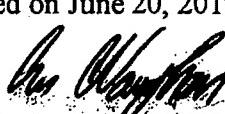
26 5. I authored a rebuttal report dated November 8, 2018 entitled “Rebuttal Expert  
27 Report” in which I address the alleged barriers related to ticketing identified by Plaintiffs. A true  
28 and correct copy of this report and its exhibits is attached as **Exhibit 1**. The statements

1  
2 contained in this report are true and correct to the best of my knowledge and they contain my  
3 findings as they relate to the accessibility of ticketing at Levi's Stadium to persons with mobility  
4 disabilities.

5       6. With regard to the specific ticketing barriers at issue in this motion, my opinions  
6 (as identified in my reports), are set forth herein.

7       7. It is my understanding that Plaintiffs contend persons with mobility disabilities or  
8 persons on their behalf should be able to exchange tickets for single-day events by contacting  
9 Forty Niners personnel by telephone. The Forty Niners Defendants contract out to Ticketmaster  
10 to handle the great majority of ticketing services for events held at Levi's Stadium. Ticketmaster  
11 does allow ticket purchases and exchanges by telephone and email. The Forty Niners Defendants  
12 provide for day-of-event purchases and exchanges of non-accessible seating tickets to accessible  
13 seating tickets at the Stadium Box Office. The Forty Niners treat all single event ticket holders, be  
14 they disabled or otherwise, exactly the same with respect to their ability to change the location or  
15 type of their seating for Stadium events. That is, *all* such ticket holders, disabled and non-disabled  
16 alike, may exchange their tickets in person at the Stadium on event days, on a first-come, first-  
17 served basis. *No* single event ticket holder, be he/she disabled or non-disabled, is able to  
18 exchange his/her tickets via telephone or online. Non-disabled persons are not permitted to  
19 purchase wheelchair-accessible seating by falsely representing they are a person with a disability.  
20 There is no discrimination based on disability that can be ascribed to the same day ticket  
21 exchange policy of the Forty Niner Defendants. The ADA prohibits discrimination based on  
22 disability but does not require the use of any particular technology for ticket exchange so long as  
23 persons with disabilities are not treated differently than persons without disabilities.

24       I declare under penalty of perjury under the laws of the United States and the State of  
25 California that the foregoing is true and correct. Executed on June 20, 2019, in Loomis,  
26 California.



CRIS C. VAUGHAN